THE PRESIDENT'S ANNUAL MESSAGE

Many Needed Laws Are Suggested to the People's Representatives

IS STRONG ON MORALITY

Mr. Roosevelt writes a Particularly Strong Message In Which He Deals With Live Issues, Such as Injunctions, Lynchings and Their Causes, and Other Matters of Vital Interest to the Whole Country.

The following is the substance of the annual message of President Roosevelt to Congress, as read in both Houses:

Introductory.

To the Senate and House of Representatives:

As a nation we still continue to enjoy a literally unprecedented prosperity; and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were several matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment.

Corporation Campaign Contributions.

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already just come House of Congress. Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

Government's Right to Appeal in Criminal Cases.

Another bill which has past one House of the Congress which it is urgently necessary should be enacted into law is that conferring upon the Government the right of appeal in criminal cases on questions of law. This right exists in many of the States; it exists in the District of Columbia by act of the Congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. Recently in one district where the Government had indicted certain persons for conspiracy in connection with rebates, the court sustained the defendant's demurrer while in another an indictment for conspiracy to obtain rebates has been sustained by the court, convictions obtained under it and two defendants sentenced to imprisonment. The two cases cannot by may not be in real conflict with each other, but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the Government can examine such a conflict, when it occurs, to be solved by an appeal to a higher court and the wheels of justice are blocked without any real decision of the question. I can not too strongly urge the passage of the bill in question. A failure to pass it will result in seriously hampering the Government in its effort to obtain justice, especially against wealthy individuals or corporations who do wrong; and may also prevent the Government from obtaining justice for wageworkers who are not themselves able effectively to contest a case where the judgment of an inferior court has been against them. I have specifically in view a recent decision by a district judge leaving railway employees without remedy for injury through what is called labor statute. It seems an absurdity to permit a district judge against whom the people of a district of the immense majority of his colleagues on the bench, to defeat the policy of resorting to the criminal law solemnly enacted by the Congress to be "unconstitutional," and then to deny the Government the right to have the Supreme Court definitely decide the question.

It is well to recollect that the real efficiency of the law often depends not upon the passage of acts as to which there is great public excitement, but upon the passage of acts of this nature as to which there is not much public excitement, because there is little public understanding of their importance, while the interested parties are keenly alive to the desirability of defeating them. The importance of enacting into law the particular bill in question is further increased by the fact that the Government has now definitely begun a law to break up the kind of unlawful commerce cases where such a course offers a reasonable chance of success.

Setting Aside of Judgments and Granting of New Trials.

In connection with this matter, I would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law providing something to the effect that:

No judgment shall be set aside or new trial granted in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure unless, in the opinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

Injunctions.

In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the right of applying injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the courts; in which case of course the legislation would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sympathy for criminals to hamper the hands in upholding the law; and if men seek to destroy life or property by mob violence there should be no impediment of the power of the courts to deal with them in the most summary and effective way possible. But so far as possible the abuse of the power should be provided against by such law as I advocated last year.

In this matter of injunctions there should be lodged in the hands of the judiciary a necessary power which is nevertheless subject to the jealous scrutiny of the people, and to the fullest hearing and review after action has been taken. Power should be exercised with extreme care and should be subject to the jealous scrutiny of all men, and condemnation should be meted out as much to the judge who fails to use it boldly when necessary as to the judge who uses it wantonly or oppressively. Of course a judge who comes to be fit for his office will enjoin any resort to violence or intimidation, especially by wageworkers, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement.

Lynching.

In connection with the delays of the law, I call your attention and the attention of the nation to the prevalence of crime among us, and above all to the epidemic of lynching and mob violence that springs up, now in one part of our country, now in another. Each section, North, South, East, or West, has its own faults; no section can with wisdom spend its time peering at the faults of another section; it should be busy trying to amend its own shortcomings. To deal with crime of corruption it is necessary to have an awakened public conscience, and to supplement this by whatever legislation will add speed and certainty in the execution of the law. When we deal with lynching even more is necessary. A great many white men are lynched, but the vast majority of victims are in respect to black men. The greatest existing cause of lynching is the perpetration, especially by black men, of the hideous crime of rape—the circumstances of which, in the worst cases of crimes, ever worse than murder. Mobs frequently avenge the commission of this crime by themselves proceeding to death the man committing it thus avenging in hostile fashion a crime which itself, and rightly, calls for vengeance in the severest form known to civilized society.